

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MCRAE LAW FIRM, PLLC

PLAINTIFF

V.

CAUSE NO. 3:19-CV-124-CWR-LRA

MATTHEW WADE GILMER, ET AL.

DEFENDANTS

ORDER OF REMAND

Before the Court is the plaintiff's motion to remand. The removing party, Matthew Wade Gilmer, now concedes that remand is warranted. Accordingly, the motion is granted and this case is remanded for lack of subject matter jurisdiction. *See* 28 U.S.C. § 1447(c). The Clerk of Court shall immediately return this case to the Chancery Court of Hinds County, Mississippi.

The undersigned retains jurisdiction to award attorney's fees and costs. *See Coward v. AC & S., Inc.*, 91 F. App'x 919, 921 (5th Cir. 2004). Since this was the fourth wrongful removal of this case, contrary to all law and the warnings of the undersigned and Judge Bramlette in the first three removals, attorney's fees and costs are more than appropriate. The plaintiff's motion for fees and costs is due within 14 days.

This removal halted the state-court proceeding for two months while this matter landed here because of a removal that Gilmer concedes was baseless. In the ensuing briefing, therefore, the parties should address whether the removing party should be sanctioned a per-day amount for every day this case was delayed in the Chancery Court.

SO ORDERED, this the 16th day of April, 2019.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE